

# KINGSBURY AND ROOTH CLASH ON DUNPHY DELAY

Commissioner Will Pick Doctors to Reexamine Woman Despite Protest.

## TOO ILL TO APPEAR. CERTIFICATE SAYS

Mrs. Mary C. Dunphy, superintendent of the city's hospitals and schools on Randall's Island for more than twenty years, failed again yesterday to appear before Charles Commissioner John A. Kingsbury to "explain" in what respect the charges that she has failed to provide proper care and treatment for the inmates under her management are not true and tell why she thinks she should not be removed.

Instead Elihu Root, Jr., her counsel, turned up on the dot of the hour set for the hearing, accompanied by his associate Emory R. Buckner. He presented a certificate signed by Dr. Joseph Byrne of 214 West 1st street and Dr. Michael C. O'Brien of 181 West 123d street, stating that Mrs. Dunphy is "suffering from chronic Bright's disease and threatened cardiac trouble" and was therefore unable to attend.

Incidentally Mr. Root, who was most dignified, cool and calm, irritated the Commissioner to such a degree by saying the public would have any confidence in any two physicians whom Mr. Kingsbury might name to reexamine Mrs. Dunphy with Mrs. Byrne and O'Brien that the Commissioner said with much emphasis that if counsel didn't desire to make a "respectful statement" he could leave the room. Mr. Root continued unflinched and wound up with a statement that he would accept the record that "it would be acceptable to counsel to have reexamining physicians selected by the County Medical Association."

## To Be Appointed Today.

Commissioner Kingsbury announced late in the afternoon that he himself will appoint the physicians today. It was his belief that they will be physicians of high standing, with no connection with the Charles Department, men who are well thought of throughout the city.

After reading the doctors' certificate Mr. Root told Commissioner Kingsbury the physicians advised that it might be fatal for Mrs. Dunphy if she appeared. Her condition, he said, called for a rest of at least four weeks.

The Commissioner retorted that a physician had seen Mrs. Dunphy and about since the charges had been preferred and added that she had many adjournments.

Mr. Root said Mrs. Dunphy had been unable at any time to go downstairs, but that she had sat up.

Mr. Kingsbury then said that during a similar proceeding against her in Charles Commissioner Pollock's administration, and also in 1907, he understood that Mrs. Dunphy had been too ill to appear at the hearings. Furthermore, the Commissioner had the word of another physician that she was not so ill.

"I suggest," said Mr. Root, "if the Commissioner doubts the veracity of the two physicians that he should have a reexamination of equal standing be selected to make a reexamination of Mrs. Dunphy."

"I was going to propose that some physician reexamine with the two physicians," replied Mr. Kingsbury. "The Commissioner is anxious to get this matter disposed of at the earliest possible moment. Conditions on the island do not permit of a long delay. The matter is upending everybody and unfair to Mrs. Dunphy. I am glad to give her the right to explain under the law. You have had plenty of time to prepare her explanation. It is an adjournment that we might have had an adjournment to Mrs. Dunphy's house in a day or two."

## Kingsbury Settled.

"If the doctors permit an examination at the house I will have no objection," said Mr. Root. "But the two reexamining physicians should not be appointed by the Commissioner's office. In view of the fact that the Atty. Gen. was dismissed by the Commissioner for writing a letter in defense of Mrs. Dunphy it would be impossible for the Commissioner to appoint them. In view of the fact that the Atty. Gen. was dismissed by the Commissioner for writing a letter in defense of Mrs. Dunphy it would be impossible for the Commissioner to appoint them. In view of the fact that the Atty. Gen. was dismissed by the Commissioner for writing a letter in defense of Mrs. Dunphy it would be impossible for the Commissioner to appoint them."

## POLISH FETE REHEARSAL.

Chorus and Pageant Preparations for Event of April 8.

The rehearsal of the chorus of young women who are to sing in the pageant of tomorrow morning (Thursday) at the Commissioner's office. In the meantime friends of Mrs. Dunphy are demanding that the Mayor "pull and fair trial" and the suspended superintendent is holding the fort in her Randall's Island home. It is known that the Commissioner does not want to do an injustice to the superintendent, and much therefore will depend on the report of the examination of Mrs. Dunphy which will be made to him by the physicians who will reexamine her.

# PRIZES AWARDED IN REMARKABLE EXHIBIT OF PHOTOGRAPHERS' ART



"Lady With Hat," by Dudley Hoyt of New York; "Portrait of Girl," by R. C. Nelson of Hastings, Neb.; winner of a gold plaque.

## TWO PRIZE PICTURES AT THE PHOTO SHOW

The judges in contests in the International Exposition of Photography Arts and Industries made their awards yesterday after examining for two days what is said to be the best exhibition of the development of the science ever assembled in this country. There were 238 camera artists represented in the gallery of 1,500 mounted and unmounted prints.

The first prize in the amateur division was awarded to a future group, "Russian Pilgrims," an enlargement of a snapshot made in Moscow by Lucian S. Kirtland of New York. The background

is a cathedral entrance and the subjects form a wonderful study in expressions and attitudes.

Dr. T. W. Kilmer of New York won the second prize with a portrait, and the third prize went to Sparks Freeman of the New York Camera Club for a silhouette portrait.

In the professional division R. C. Nelson of Hastings, Neb., won first with a "Portrait of a Girl." The second prize was awarded to Carl Kinchick of Philadelphia for "A Girl With a Fan," while Dudley Hoyt of New York won the third prize with the "Lady With Hat."

An interesting photograph, a study in spectrum analysis called "The Forest of a Suburban," by Oscar G. Mason of New York, took first prize in the scientific division, "Decorative," by Robert W. Roberts of Utica, N. Y., won second prize and "Timber, a Scene on the Continental Divide," by G. O. Shields of New York, took third prize.

The first prize for originality and excellence in commercial photographs was awarded to C. Cooke of New York for reproductions of racetrack scenes. The prizes were gold, silver and bronze plaques for the first three awards, with smaller prizes and diplomas for minor awards.

The judges were John A. Tennant, New York; Frank Roy Frappier, Boston; Thomas Coke Watkins, New York; Carl E. Ackerman, New York, and Frank V. Chambers, Philadelphia.

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# MORGAN GIFT AIDS SEAMEN'S CHURCH

Late Financier's \$50,000 Begins Campaign to Raise \$200,000 to Clear Debt.

## \$65,000 MORE PROMISED

The long list of the late J. Pierpont Morgan's known benefactions became greater by \$50,000 yesterday when it was learned that before his death he had promised that to help the Seamen's Church Institute at Coenties Slip, Mr. Morgan's gift was in addition to \$100,000 he had already contributed toward the institute's new home for sailors.

The final gift of \$50,000 was conditional upon the raising of \$200,000 more. Mr. Morgan died before this was accomplished, but his son stands ready to draw his check for the amount whenever the condition is met.

Another benefactor has come forward with a similar offer of \$50,000 if the institute raises the remaining sum needed to pay its debt, which has thus far been reduced to \$150,000. Ground and building cost \$115,000, so that \$1,000,000 has been paid off.

A month's campaign to wipe out the remaining \$150,000 owed was begun yesterday by the institute's board of directors, headed by John D. Rogers, president, Edmund L. Baylies of Carter, Ledyard & Milburn. There was a luncheon at the institute in the afternoon room—the recreation spot for the boys of the half deck.

## Explains Plan of Campaign.

Mr. Baylies explained the method of campaign by which it is hoped to secure \$150,000 needed by May 1 at the latest. All the money will be raised by canvassing lists of personal friends and acquaintances. When these have been called upon the appeal will be made to the Seamen's Church Institute at the institute every Tuesday and Friday from now on reports of subscriptions secured will be made public.

The managers of the institute, most of whom were present yesterday, were: John D. Rogers, president, Edmund L. Baylies of Carter, Ledyard & Milburn, vice president, Oliver S. H. Brown, secretary, Louis Gordon Hamerley, Samuel Nelson Hinckley, Arthur W. H. Brown, Jr., treasurer, Eugene S. Willard, J. Frederic Tamm, John A. McKim, Bayard C. Hopkin, Edwin A. S. Brown, John Seely Ward, Charles W. Brown, Herbert L. Barber, Francis Remington, Orme Wilson, Jr., Benjamin T. Van Nostrand, Charles E. Dutton, Benjamin R. C. Low, Henry L. Hobart, Commodore Jacob W. Miller, August W. H. Brown, Augustus N. Hand, Martinus W. Dombick, George E. Cummings, Robert L. Harrison, George W. Burleigh, Le Roy King, Clinton E. Braine, Charles A. Clark, Ernest E. Wheeler, Franklin D. Roosevelt, and Robert McC. Marsh. In addition the Misses Augusta M. de Payster and Catherine S. Seaver, officers of the Seamen's Benefit Society, were present at the luncheon, will work to raise money.

## Announces Gifts of \$15,000.

Mr. Baylies was able to announce subscriptions of about \$15,000 toward the sum needed as follows: Marshall Field, Mrs. Francis Cabot Lowell and Frank, Edge & Co., \$1,000 each; Mrs. B. H. Buchanan, Mrs. James May Duane, the Ladies' Line, Ltd., Boulder, West & Hoy, \$500 each; the American-Hawaiian Steamship Company, \$500; Benjamin & Haysen, \$250; Mrs. C. W. H. Brown, \$250; Mrs. E. E. Southam, \$200; cleared Beckman, \$100; from other steamship lines in various amounts, \$5,000.

Mr. Baylies said he was sure of further early subscriptions for at least as large a total.

The next meeting and report on the campaign will be held on Friday at the institute.

# BOARDS CROWDED CAR; ARRESTED; WILL FIGHT

Prisoner Refused to Leave Trolley When Told of Goldwater Rule.

A quarrel in the first case of a violation of Health Commissioner Goldwater's regulations forbidding the overcrowding of surface cars was held yesterday morning by Magistrate McGuire at the Adams street court, Brooklyn. The prisoner, Jacob Horowitz, 324 1/2 Hamilton Parkway, was accused by the State of having violated the rule by refusing to get off the car when warned that it was already overcrowded by half the seating space, which is the limit set by the law. Horowitz pleaded not guilty and secured a postponement until Friday so that he might secure counsel to "make a fight to the finish to see if the car is legal."

Horowitz, according to Wall, jumped on a surface car at Court and Livingston streets, Brooklyn, during a rush hour last night and refused to leave the car. "No more passengers admitted," by order of the Board of Health," which was displayed, Horowitz, he says, threatened to fight and he called a policeman. "No more passengers admitted," by order of the Board of Health," which was displayed, Horowitz, he says, threatened to fight and he called a policeman.

The Board of Health announced yesterday that the orders against overcrowding had been accepted by two more railway companies in the city. Theodore P. Shonts, president of the New York Railways Company, said that "an honest effort" would be made to enforce the rule on the Six and Eighth avenue lines controlled by the company.

R. D. Rand, vice-president of the Richmond Light and Power Company, said that the company would do its best to enforce the rule, but would be able to do so only after April 1. The company, he said, expects to meet the order with new cars which have been ordered.

# STETSON HATS FOR EASTER

Every style STETSON makes to select from.

\$3.50 to \$20.

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Also at 40 Ave. of the Stars

# ASK MAYOR TO STOP 'BIRTH OF A NATION'

Negroes and Their Friends Call Production "Cruel and Untrue."

## SCENE TO BE TONED DOWN

Violent objection to certain features of the moving picture spectacle "The Birth of a Nation" was made by many speakers, both white and negro, in a hearing before Mayor Mitchell in the Board of Estimate room at City Hall yesterday. The Mayor replied that he had seen the play himself and had spoken to License Commissioner Bell about parts that were deemed objectionable. On a hint from Mr. Bell the producers had agreed to tone down some scenes.

The delegation which called upon the Mayor and filled the hearing room represented the National Association for the Advancement of Colored People, Oswald G. Villard, vice-president of the association, said that the production was "improper, immoral and unjust," and that it was a "disgrace to the city."

"The ground of my protest is that the play affects 10,000,000 citizens who are degraded by it. It depicts a scene of war and other half portraits of the negro as a lustful and degraded creature. This portrayal is cruel, vindictive and untrue."

Most vehement was Rabbi Stephen S. Wise, who said: "If it is true that the Mayor has no power to stop this indecently four-hour and loathsome race of human beings then it is true that government has broken down. The board of censors which allowed this exhibition to go is a disgrace to the city. I know that my name is even remotely connected with such a board. The negroes of this city have been patient. They have not yet risen to protest as did the Irish who attacked 'The Playboy of the Western World,' which was really a beautiful play. If I did not know that Thomas Dixon, upon whose novel 'The Clansman' this moving picture play is based, was capable of this infamy I would believe that he had been hired to write that book to stir up race prejudice."

"Stop that production, Mr. Mayor, and you will render a great and abiding service to the people of this country. Mrs. Lillian D. Wald told me that she had been told by the Mayor that it was impossible to measure the potential dangers that threaten us if this production is allowed to go on."

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# STATE LABEL LAW RESTRAINED

Wisconsin Cannot Regulate Corn Products Interstate Sales.

MADISON, Wis., March 30.—A perpetual injunction was ordered today by Judge A. L. Sanborn of the United States court here to restrain the State authorities from enforcing the Wisconsin law requiring the labeling of ingredients on corn products against the Corn Products Refining Company.

Judge Sanborn held that while the Wisconsin act of 1913 was general and broad enough to include all the sales of the company's product, whether interstate or intrastate, it was the rule in Wisconsin to restrict the general language of the law to interstate sales. The court held that the State should be restrained from applying the law to intrastate sales of the company's product, so far as this would interfere with interstate commerce, but that the law thus restricted to interstate commerce is valid.

# BANK FORGER KILLS HIMSELF

C. K. Hickox, Arrested, Is Kept Alive 12 Hours by Heart Massage.

PITTSBURGH, March 30.—C. K. Hickox of Pittsburgh, James M. Ward, 814 Central ave., and Claude H. Wacker, 1410 Wacker ave., who were arrested yesterday for obtaining \$3,000 from the National Bank of Pittsburgh by forging checks, died this afternoon after having been brought back to life earlier in the day by means of a pump and heart massage.

Hickox represented himself as the head of the Pittsburgh branch of the National Bank of Pittsburgh, and obtained money from banks in New Orleans and San Francisco. His arrest ended a 5,000-mile chase over the country by Pittsburgh police, who had traced the forger to his home in Pittsburgh and arrested him.

# BIRD COLLECTION LOST.

Destroyed in Fire Which Razes Louis B. Porter's Villa.

STAMFORD, Conn., March 30.—Fire, which started on the piazza roof from a lantern, destroyed the villa of Louis B. Porter on Noroton Hill here this afternoon, entailing a loss of about \$100,000. Mr. Porter is a lawyer and official at 149 Nassau street, New York.

Included in the lost property was one of the largest and most valuable collections of native birds for sale in America, gathered by Mr. Porter and his brothers. This collection was to go to Yale University on Mr. Porter's death. All of Mr. Porter's birds were lost, but he managed to thrust considerable silverware into a large safe before the flames drove her out. Mrs. Porter had been in the villa for some time, entering the blazing rooms to get her jewels.

# RED-MAN COLLAR

SLIGHTLY lower in front than in back, fashioned for comfort and style.

2 FOR 25c.

EARL & WILSON

MAKERS OF TROY'S BEST PRODUCT

SLIGHTLY lower in front than in back, fashioned for comfort and style.

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# DIDN'T SUGGEST BIG BOMB PLOT, POLICEMAN SWEARS

Polignani, in All Day Ordeal on Stand, Tells How Plan to Destroy Cathedral Was Conceived and Grew.

Albanese, Polignani, the twenty-six-year-old detective who exposed the cathedral bomb plot, was on the stand all day yesterday before Judge Nott in General Sessions as the first witness against Frank Albano and Carmine Carbone, charged with making bombs and attempting to destroy St. Patrick's Cathedral on March 2 last.

Albano was arrested inside the cathedral and Polignani swore he had lighted the fuse to a bomb which if it had exploded would have wrecked the structure. There were 700 worshippers there at the time the explosive was discovered by Lieut. Barnitz, who had been stationed in disguise for that purpose.

It became apparent at the outset that William G. Keir and Simon O. Pollock, counsel for the defendants, would try to show the jury that Polignani was the real instigator of the crime and that the defendants had merely followed his ideas even to the making of the bomb. Polignani swore that he merely observed what the defendants did and made daily reports to his superior officers.

In the course of the examination of Polignani it came out that he had been known in anarchist circles as Charles Baldo. Since the exposure of the plot he has been under constant watch of a brother policeman, who even took him to court to testify. The witness wore civilian dress, but in the lapel of his coat showed a yellow police badge. This denotes that he is a detective, but of the second grade. He hopes to be made a first grade man at the end of the present trial.

Assistant District Attorney Train called Polignani to the stand. The detective said he came to this country at the age of 11 and went on the police force December 1, 1913. He was assigned to the investigation of anarchist groups on November 17 last. He said he knew nothing whatever about anarchist teachings, but after read a half dozen books on the subject, one such was Emma Goldman's "Free Love" and he also read "Mother Earth."

How He Met Anarchists. His first trial, Polignani told the jury, was to go to the headquarters of the Bresci group at 301 East 109th street, where after a time he met Carbone. This was about December 20 last. He then told in detail how he had been introduced to Albano as a man who would throw the bomb after Carbone had made it, and said it was the last time he saw Albano. Three bombs were made in a furnished room at 1341 Third avenue, which was rented for the purpose. Across the street other detectives were posted, but they saw no movements of the supposed plotters were watched. Polignani admitted he brought attornies, chlorate of potash and iron filings, so far as he knew, which were used in the bombs that were made by Carbone.

The bombs were shown to the jury, described and identified. There were two of them, but the explosive part had been removed.

Mr. Pollock, after going over Polignani's early life, referred to his assignment as Commissioner Woods' assistant to investigate anarchists. The detective denied that he had ever studied the making of explosives and said that all he now knows on the subject he learned in his talks with the defendants and especially with Carbone, who posed as an expert.

When asked to give his definition of what he understood anarchy to be, Polignani answered, "Anarchy is to overthrow government by force." He said his detail did not call for him to write a definition of anarchy, but he reported on their acts. Carbone had opened the conversation to the witness on the subject of bomb throwing after a meeting of the Bresci group when he said: "The members of the group especially the Jews, talk too much and do too little. We should throw a few bombs and frighten the city authorities."

Polignani admitted that he had never told the defendants that it would be wrong to throw a bomb, but he reported all he heard to his superior officer.

"You expected to be promoted for this great piece of work," asked Mr. Pollock. "No."

"I thought you were a hero?" "No. As a police officer I could have done as I did," said the witness. "But you posed for newspaper pictures?" persisted Pollock. "Yes, and I guess you would," was the answer.

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